

Atty. Docket No: H-PM-00024 (1800-24)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Michael P. Whitman, et al. EXAMINER: Gloria R. Weeks

SERIAL NO.: 10/785,672 GROUP: 3721

FILED: February 23, 2004 DATED: May 13, 2011

TITLE: **SURGICAL CUTTING AND STAPLING DEVICE**

Mail Stop 16
Director of the USPTO
P.O. Box 1450
Alexandria, VA 22313-1450

Filed Via EFS-Web
Confirmation No.: 2683

REQUEST FOR REFUND
(Improper Charge of Deposit Account)

Sir:

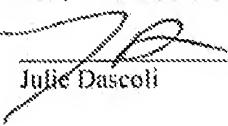
I. REFUND REQUEST

This is a request for a refund with respect to a charge to Deposit Account No. 21-0550 on May 12, 2011.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being transmitted on the date below with the United States Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450, via electronic submission.

Dated: May 13, 2011


Julie Dascoli

II. FEES CHARGED FOR WHICH REFUND REQUESTED

AMOUNT OF REFUND REQUESTED

filing fee for Small Entity
 surcharge for filing the basic filing fee on a date later than the filing date of the application (37 C.F.R. §1.16(e))

and/or

surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. §1.16(e))

extension of term
 1 month
 2 month
 3 month

excess independent claims

issue fee

petition fee

patent maintenance fee
 first maintenance fee
 second maintenance fee
 third maintenance fee

patent maintenance fee surcharge

other:

TOTAL REFUND REQUESTED

\$490.00

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

On May 12, 2011, Applicants' electronically filed a Request for Continued Examination (RCE) together with a Petition for a Two-Month Extension of Time (due to a clerical error). However, no Extension of Time was required in connection with this filing, as the RCE was filed within three (3) months from the date of mailing of the Final Office Action (March 22, 2011). Applicants' inadvertently paid a \$490.00 Two-Month Extension of Time fee together with the required \$810.00 RCE fee (RAM Confirmation Number 9037). A copy of the Electronic Acknowledgement Receipt showing that the payment was successfully received in RAM on May 12, 2011 is attached for your convenience.

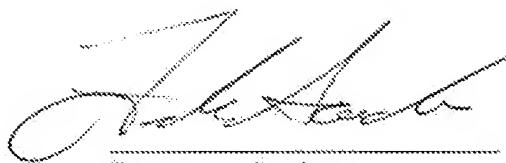
IV. MANNER OF REFUND

Please make refund by

crediting Deposit Account No. 21-0550

refunding payment.

Respectfully submitted,



Francesco Sardone
Registration No. 47,918
Attorney for Applicants

Carter, DeLuca, Farrell & Schmidt, LLP
445 Broad Hollow Road
Suite 420
Melville, NY 11747
Phone: 631-501-5700
Fax: 631-501-3526

Send correspondence to:
COVIDIEN – Surgical Devices
Suite 8 N1
Legal Department
555 Long Wharf Drive
New Haven CT 06511

FS:jd

Electronic Acknowledgement Receipt

EFS ID:	10069711
Application Number:	10785672
International Application Number:	
Confirmation Number:	2683
Title of Invention:	Surgical cutting and stapling device
First Named Inventor/Applicant Name:	Michael P. Whitman
Customer Number:	91478
Filer:	Francesco Sardone/Julie Dascoli
Filer Authorized By:	Francesco Sardone
Attorney Docket Number:	H-PM-00024 (1800-24)
Receipt Date:	12-MAY-2011
Filing Date:	23-FEB-2004
Time Stamp:	09:10:50
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$1300
RAM confirmation Number	9037
Deposit Account	210550
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	
Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)	
Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)
 Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)
 Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/Message Digest	Multi Part /.zip	Pages (if appl.)
1	Extension of Time	00185694.PDF	254270 a36e4f6c3c1131e4ab54384281f80c29c513 120a	no	1

Warnings:

Information:

2	Request for Continued Examination (RCE)	00185625.PDF	769873 d4eb29555b5fe4b0e2e45cb6b4c74ff3a31 dc49	no	3
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Warnings:

Information:

3	Fee Worksheet (PTO-875)	fee-info.pdf	32019 f94c947d5079624406cd72ccf08a191400492 03d	no	2
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Warnings:

Information:

Total Files Size (in bytes): 1056162

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.